

# **EXHIBIT 4**

**Exhibit 4**

**FAMILY DEFENDANTS' STATEMENT OF  
ISSUES OF FACT THAT REMAIN TO BE LITIGATED**

The following issues of fact remain to be litigated at trial. Most are mixed questions of fact and law and are also included in the Family Defendants' Statement of Issues of Law To be Litigated.

1. Whether the Family defendants were insiders of SFC at the time of each challenged payment made by SFC during the period between 90 days and one year prior to the Filing Date.
2. Whether the payments made by SFC to the Family defendants during the applicable period (either 90 days prior to the Filing Date or one year prior to the Filing Date if the Family defendants were insiders at the time of such payments) are subject to being avoided as preferences.
3. Whether SFC was insolvent at the time of each such payment.
4. Whether any or all of such payments were made in payment of a debt incurred by SFC in the ordinary course of business or financial affairs of SFC and the Family defendants, were made in the ordinary course of business or financial affairs of SFC and the Family defendants and were made according to ordinary business terms.
5. Whether after any such payment to a Family defendant, that Family defendant gave new value to or for the benefit of SFC (a) not secured by an unavoidable security interest; and (b) on account of which new value SFC did not make an otherwise unavoidable transfer to or for the benefit of that Family defendant.

6. Whether the challenged transfer by Yao of his stock in One Summit Place, GP, Inc., DHP, GP, Inc. and Premier Education Group GP, Inc. to certain of the Family defendants was made with actual intent to hinder, delay or defraud other creditors of Yao.

7. Whether at the time of the challenged transfer, Yao owed approximately \$7 million to the Family defendants to whom the transfer was made.

8. Whether those Family defendants who received the challenged transfer received the transfer in good faith and for a reasonably equivalent value.

9. What was the fair market value on or about June 14, 2002, of the stock in One Summit Place, GP, Inc., DHP, GP, Inc. and Premier Education Group GP, Inc. that Yao transferred to certain Family defendants.